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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 293—*Med.* (43-06)-7, *dated* 11*th July* 1907.

RULES UNDER THE MYSORE VACCINATION REGULATION OF 1906.

In exercise of the powers conferred by section 2 (1) of the Mysore Vaccination Regulation of 1906, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules to regulate the vaccination of persons in local areas where vaccination has been declared to be compulsory during the period for which such declaration has effect therein :—

I. In these rules unless there is something repugnant in the subject or context,

"Parent." (1) Parent means the father or mother of a legitimate child, and the mother of an illegitimate child.

"Guardian." (2) Guardian means any person to whom the care, nurture and custody of any child falls by law or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorised in that behalf.

"Vaccinator." (3) Vaccinator means any medical man, or other duly qualified person authorized by the Sanitary Commissioner with the Government to vaccinate persons against small-pox.

"Medical man." (4) Medical man means a person holding a University or College degree or diploma in medicine or a certificate from a recognized medical school, of or above the grade of Hospital Assistant.

"Child." (5) Child means a boy or girl over six months and under twelve years of age.

"Adult." (6) Adult means any person of or above the age of twelve and under sixty.

(7) Unprotected person is a person, child or adult, who has not been protected against small-pox by having had that disease or by having been successfully vaccinated or who has not been certified under Rule 11 of these rules, to be insusceptible to vaccination.

"Unprotected person."

(8) Vaccination depôt means a place or building where public or gratuitous vaccination is performed by a vaccinator.

"Vaccination Depôt."

(9) Vaccination Circle means one of the parts into which a local area where vaccination has been made compulsory has been divided for purposes of vaccination, and in which one or more vaccine depôts have been opened.

"Vaccination Circle."

2. Every local area in which vaccination has been declared compulsory shall be a vaccination circle or shall, in the manner hereinafter provided, be divided into a number of such circles.

3. Each circle shall have one or more vaccination depôts where vaccination shall be done gratuitously at certain fixed hours. One or more vaccinators shall be appointed in the manner hereinafter provided, for each circle, and one Superintendent of Vaccination shall be appointed, in the manner hereinafter provided, for each local area. Such Superintendent shall usually be the Medical Officer of Health of the locality or in the absence of such an officer, a duly qualified Medical Officer possessing the necessary special training.

"Vaccination Depôts."
"Vaccinators."
"Superintendent of Vaccination."

4. The appointment of private vaccinators shall vest with the Sanitary Commissioner with the Government of Mysore, who will, after satisfying himself that a candidate is competent, give him a written license authorizing him to perform vaccination in a vaccination circle. This license may be suspended or cancelled at the discretion of the said Sanitary Commissioner.

"Private Vaccinators."

5. When any unprotected person, adult or child has resided for a period of one month in any local area where vaccination has been declared compulsory by Government, he or she, if adult, shall go to a vaccine depôt, or if a child, be taken there by its parent or guardian to be vaccinated, or the person requiring vaccination or, if a child, its parent or guardian may procure his or its vaccination by a vaccinator privately. Provided that unless there is immediate danger of small-pox infection, the unprotected members of a household may, with the permission of the Superintendent of Vaccination, get themselves vaccinated in turns, individually or in batches, as the said Superintendent may decide, so that there may be as little interference as possible with the daily pursuits of life of the members of the household on account of their vaccination. But in no instance shall the interval of vaccination allowed on this account between the first individual or batch of individuals and the last individual or batch of individuals be more than two weeks.

"Unprotected person to be vaccinated."

6. Such vaccinators shall vaccinate the person and deliver to him or her, or if a child, to its parent or guardian, a memorandum stating the date on which the vaccination has been performed and the date on and the hour at which the vaccinated person or child is to be inspected in order to ascertain the result of the operation; or, shall, if he find such person in a state of health unfit for vaccination, deliver to the person, or if a child, to its parent or guardian, a certificate under his hand to the effect that the person is in a state unfit for vaccination, and the period during which the person is likely to be so unfit.

Vaccinator to vaccinate persons or deliver certificates of postponement.

7. Every person vaccinated under the above section, or if a child, its parent or guardian, shall, on the date and hour of inspection stated in the memorandum, go, or take the child or cause it to be taken, to a vaccinator for inspection or get it inspected at his own house by a vaccinator; and such vaccinator shall then append to the memorandum a certificate stating that the person or child has been inspected, and the result of such inspection.

Inspection after vaccination.

NOTE.—In the case of adult females observing the "gosha" or "purda" system, both vaccination and inspection shall be performed by a female vaccinator, if the parties so desire.

Procedure when vaccination is successful.

8. When it is ascertained at the time of inspecting a person or child under Rule 7 above, that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the person, or if a child, to its parent or guardian to that effect, and such person or child shall be deemed to be protected.

Procedure when vaccination is unsuccessful.

9. When it is ascertained as aforesaid, that the vaccination has been unsuccessful, the person, or if a child, its parent or guardian shall, if the vaccinator so direct, cause the person or child, if in a satisfactory state of health, to be forthwith again vaccinated and subsequently inspected in the manner hereinbefore provided. If the person be not in a fit state of health, the vaccinator shall deliver a certificate as under Rule 6, stating the period during which the person is likely to be so unfit. Provided that, if it is a case of revaccination that has been unsuccessful, the person shall not be compelled to be vaccinated again. But the individual should be strictly advised to have the operation performed at least once more, say within a fortnight, as vaccination sometimes fails through having been imperfectly performed as well as through the individual being immune.

Procedure when person is unfit for vaccination.

10. A certificate granted under Rules 6 and 9 above, showing the unfitness of a person or child for vaccination, shall remain in force for the period stated therein and on the termination of that period, the person shall go, or if a child, its parent or guardian shall take it or cause it to be taken to a vaccinator to be vaccinated, or procure the vaccination at his house by a vaccinator.

Renewal of postponement certificates.

Provided that, if the person or child is still found to be in a state unfit for vaccination, the certificate granted under Rules 6 and 9 referred to above shall be renewed.

Certificates of insusceptibility of successful vaccination.

11. If a person or child is insusceptible of successful vaccination, which shall be inferred from vaccination on three occasions proving unsuccessful, the Superintendent of Vaccination shall deliver to the person or if it be a child, to the parent or guardian of such child, a certificate under his hand to that effect, and the person or child shall thenceforth not be required to be or caused to be vaccinated.

Certificates of vaccination by private vaccinators to be forwarded to the Superintendent.

12. Any person who procures a vaccination of himself or any other member of his household or child under his guardianship by a vaccinator other than those appointed as public vaccinators in the circle in which he lives, shall forward a certificate of such vaccination and its result signed by the vaccinator to the Superintendent of Vaccination within fifteen days from the date of such vaccination.

Certificates from a qualified Medical man and private vaccinators to be accepted.

13. The Superintendent of Vaccination shall accept certificates from a qualified Medical man or private vaccinator as to (1) successful vaccination, (2) unfitness of a person for vaccination and (3) the insusceptibility for vaccination.

Proviso.

Provided that the Superintendent may cancel any certificate given under these rules, if it be proved to his satisfaction that such certificate has been given improperly or obtained on behalf of any unprotected person or child, and thereupon such certificate shall no longer be valid. In case of any doubt as to these certificates the Superintendent shall personally examine the person vaccinated or certified to be unfit or insusceptible, provided always that in case the person is a 'gosha' or 'purda' female, the inspection shall be done by a female vaccinator as provided under Rule 7.

What lymph to be used.

14. Vaccination of persons should be performed with calf lymph, fresh or preserved, whichever ... able.

Scientific care of lymph to be used.

15. All lymph used for vaccination shall be cultivat... distributed and used with su... from time to time be prescrib... missioner with the Government, and certified to be pure ... competent for that purpose by the said Sanitary Comm...

Vac... shall be ... within 48 hours ...

16. Any person desirous of getting himself, members of his household or children under his guardianship, vaccinated with any lymph other than those described in para 14 above, may procure the same at his own cost, and get himself, his household or children under his guardianship vaccinated with it, provided that the lymph so obtained is certified to be pure by an authority accepted as competent by the Sanitary Commissioner.

Use of other lymph.

17. A vaccinator shall take all possible precautions to perform the operation carefully and aceptically; and any vaccinator who by carelessness or neglect or by use of lymph which has not been certified as required in rules 15 and 16, injures the health of a person vaccinated, and any person who, not being duly authorized to vaccinate according to these rules, vaccinates persons with any lymph within the area in which these rules have been made applicable, shall be considered to have committed an offence under the Mysore Vaccination Regulation of 1906.

Carelessness in vaccination and vaccination by unauthorized persons considered offences.

18. No fee shall be charged by any vaccinator except by a private vaccinator for any of the duties imposed, under rules, on such vaccinator.

No fee to be charged except by a private vaccinator.

Proviso.—(1) Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a person or his household at his request, or if a child, at the request of its parent or guardian, elsewhere than in the depôt in which such vaccinator is working. (2) provided also that in the case of females observing "gosha" or "purda" system, no fee shall be charged for vaccinating them in their houses within the circle for which such vaccinator is appointed.

19. The Superintendent of Vaccination, in addition to other duties imposed on him by or under these rules, shall ascertain whether all unprotected persons above the age of six months within the area under his superintendence have been vaccinated; and if he has reason to believe that any person is bound by the provisions hereinbefore contained to procure vaccination of himself or child under his care and guardianship or to present himself or it for inspection and has omitted so to do, he shall personally go to the house of such person any time between 6 A.M. and 6 P.M., and there make enquiry and shall, if the fact is proved, forthwith deliver to such person or cause to be affixed to his house a notice requiring the person or child under his care or guardianship to be vaccinated or (as the case may be) to present or to be presented for inspection, at a time and place to be specified in such notice.

Duties of the Superintendent of Vaccination.

Notice to person or parent or guardian neglecting to comply with these rules.

20. When, in accordance with rule 19, the Superintendent of Vaccination goes to a house in his circle to make the necessary enquiries, it shall be the duty of the head of the household or in his or her absence, the eldest adult member present, to present, if so required, all or any member of his or her household before the Superintendent of Vaccination for his inspection and to state correctly their name, age, period of residence and other particulars that may be required by him.

Heads of household to present members of the household for inspection and to furnish correct information.

Provided that, in the case of females of and above 12 years of age, especially those observing the "gosha" or "purda" system, the inspection and enquiries shall, if so required by the parties, be made by any competent female on behalf of the Superintendent.

Proviso.

21. In cases where there is immediate danger of small-pox infection, the Superintendent of Vaccination may, by special notice served on the head of a household or affixed to the house, require any person living therein who is unprotected against the disease and does not possess the certificate of insusceptibility prescribed in rule 11, and is in consequence exposed to the risk of catching the infection and conveying it to others, to go, or in case of a child, to be taken to a vaccinator and get himself or it vaccinated forthwith. Any person so required to get himself or if a child in his care or guardianship, that child, vaccinated after the service of the notice as above mentioned.

Special provision in case of immediate danger of small-pox infection.

22. If the notice referred to in rules 19 and 21 has been served and is not complied with, the Superintendent of Vaccination shall report the matter to any Magistrate having local jurisdiction, and the Magistrate receiving such report shall summon the person and demand his explanation and shall, if such explanation be not satisfactory, make an order in writing directing such person to comply with the notice before a date specified in the order.

Order by Magistrate when notice is not complied with.

23. If on such date the order has not been obeyed, the Magistrate shall summon the person before him and unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 2 (3) of the Mysore Vaccination Regulation of 1906.

Procedure when order not obeyed.

24. When the above rules are made applicable to any local area where vaccination has been made compulsory by Government, the local authorities of such area may from time to time make bye-laws consistent with these rules for the proper enforcement of the Vaccination Regulation within the limits to which it applies. Such bye-laws shall be passed in the manner in which, under the law for the time being in force, the local authorities make bye-laws, and shall, when confirmed by Government and published in the Government Gazette, have the force of law;

Power to make bye-laws.

Provided that the Government may at any time rescind or modify any such bye-laws.

25. The bye-laws to be made for any local area under rule 24 above may, among other matters, provide for:—

What bye-laws under rule 24 may provide for.

(*a*) The division of such local area into convenient circles for the performance of vaccination.

(*b*) The appointment of one or more places in each circle as public vaccination depôts and the posting of some distinguishing marks in a conspicuous place near each depôt and showing hours at which vaccination will be performed therein.

(*c*) The special arrangements to be made with reference to the vaccination of grown-up girls and adult females, especially those observing "gosha" or "purda" system.

(*d*) The number of male and female public vaccinators required for each circle.

(*e*) The time of attendance of public vaccinators at the vaccination depôts.

(*f*) Their residence within the limits of the vaccination circles.

(*g*) The distinguishing mark or badge to be worn by them while on duty.

(*h*) The amount of fee chargeable by private vaccinators and the rate of fee chargeable by public vaccinators vaccinating at places outside the vaccination depôts or circle.

(*i*) The facilities to be afforded to the people for procuring the vaccination of their children and purda females at their own houses.

(*j*) The preparation and keeping of registers showing the names of persons in the local area, showing whether they are protected or unprotected; the names of children born in such area on or after the introduction of compulsory vaccination; the names of unprotected persons or children that have come or been brought into the area at any time after vaccination has been declared compulsory, and who have resided there for a month; the result of each vaccination or its postponement and the delivery of certificates, if any.

(*k*) The assistance to be given by the Municipality in the preparation of these registers and in other matters.

(*l*) The preparation of vaccination returns and reports.

26. (1) Any person who, in contravention of these rules (*a*) neglects without reasonable excuse to get himself or child under his care or guardianship vaccinated, or after vaccination, to be inspected on a date and time to be prescribed by the vaccinator; (*b*) neglects to

Punishment of offences.

forward a certificate of vaccination and its result under rule 12 ; (*c*) refuses to give information or wilfully gives false information when asked under rule 19, or neglects to comply with notice served under the same rule and rule 21 ; (*d*) violates any of the bye-laws made and confirmed under rule 24 ;

(2) Any vaccinator who refuses to vaccinate or neglects to grant the certificates required to be granted in accordance with these rules, or recovers any unauthorized fee or remuneration for vaccination or granting a certificate,

shall, on conviction before a Magistrate, be punished with fine which may extend up to Rs. 20.

(3) (*a*) Any person not authorized under rule 4 who vaccinates a person within the area in which these rules have come into force ;

(*b*) and any authorized vaccinator who neglects or refuses to take due precautions while operating, or uses lymph not certified as pure by competent authority as required in rules 15 and 17 and thereby injures the health of any person vaccinated ;

(*c*) any person who disobeys a Magistrate's order under rule 22,

shall, on conviction before a Magistrate, be liable to a fine which may extend up to Rs. 50.

27. Any person who, after conviction under rule 26, continues, for one week, without valid cause, his refusal to get himself or child under his guardianship vaccinated, shall again be liable on conviction to a fine not exceeding Rs. 20.

By Order,
C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.